

**REMARKS OF REPRESENTATIVE TERRY MUSSER, CHAIR,  
SPECIAL COMMITTEE ON STATE-TRIBAL RELATIONS,  
TO THE SENATE COMMITTEE ON JUDICIARY AND  
CORRECTIONS  
REGARDING 2007 SENATE BILL 96**

*September 11, 2007*

Good afternoon. As you know, I am Terry Musser, 92<sup>nd</sup> Assembly District, and I chair the Special Committee on State-Tribal Relations.

The Special Committee has, for many years, taken a particular interest in law enforcement on Indian reservations, and I am pleased to report that there are many good things happening in this area. In particular, there is a great deal of cooperation occurring between county and municipal law enforcement agencies and tribal police departments. Sheriffs in particular work with tribal police under the County-Tribal Cooperative Law Enforcement Program. Cooperative arrangements include shared or coordinated patrols, mutual aid and back-up agreements, and even joint dispatch functions, in some instances. By working together, these law enforcement agencies improve the safety of everyone.

In general, tribal police officers do not have the authority to arrest a non-tribal member for violation of state law. However, the Wisconsin statutes authorize tribal police officers to enforce state law on the reservation of the tribe that employs the officer, if certain conditions are met. One condition is that the governing body of the tribe must waive the tribe's sovereign immunity to the extent necessary to allow the enforcement of liability for its officers' actions in the courts of this state. Some tribes have made this waiver of sovereign immunity, but others have not wanted to do so.

Senate Bill 96 provides an alternative to the waiver of sovereign immunity. Under the bill, a tribe may, instead, maintain liability insurance with a limit of at least \$2 million for any occurrence. It requires that the insurance policy provide that the insurer may not raise the defense of sovereign immunity in defending a claim against the policy, up to the limit of the policy. The bill also makes two minor clarifications to the existing statute.

Cooperation in law enforcement has proven to be a benefit to tribal and non-tribal communities. This bill will further such cooperation. I hope you will give it a favorable recommendation.

I would be happy to answer any questions you have. David Lovell, Legislative Council Senior Analyst and staff to the special committee, is here as well, to answer technical questions you may have.